

STIPULATED FACTS

4. Respondent admits that the following allegations are true:
 - a. Respondent's last known business address is 237 Old River Road, Wilkes-Barre, PA 18702.
 - b. George R. Shadie is president; Daniel Lynch and Dolphus Teart are vice presidents of the organization.
 - c. According to the records of the Corporation Bureau, Respondent incorporated as a non-profit on November 11, 1996.
 - d. Respondent has operated as a non-profit organization soliciting contributions for autism related activities.
 - e. After receiving information that Respondent was soliciting contributions from Pennsylvania residents without being properly registered, the Bureau sent an investigative subpoena to Respondent dated April 8, 2008, requesting financial information for the period from January 1, 2005 to April 8, 2008.
 - f. On June 23, 2008, after an extension had been granted to allow Respondent to compile the requested documents, the Bureau met with Respondent to obtain and review Respondent's response to the Bureau's Investigative Subpoena.
 - g. After the Bureau's review of Respondent's available records, it was determined that the organization failed to furnish complete records for fiscal years ending December 31, 2005, December 31, 2007 and December 31, 2008; Respondent furnished the requested documentation for fiscal year ending December 31, 2006.

h. Despite attempts to obtain the requested financial documents, the Bureau has not been supplied the requested documents.

i. During the June 23, 2008 meeting, Respondent's Treasurer admitted that the Respondent's financial records are in disarray; and that the records provided to the Bureau at the meeting contained a note dated May 15, 2006, initialed by Respondent's Treasurer, stating that Respondent's "records are very poor."

j. The limited records provided by Respondent showed that in the fiscal year ending December 31, 2005, Respondent received \$45,837 in direct public support; and that in the fiscal year ending December 31, 2006, Respondent received \$28,971.83 in contributions, thus requiring registration.

AGREED VIOLATIONS

5. Respondent agrees that by engaging in the foregoing activities, Respondent has committed multiple violations of the Act by:

a. failing to register with the Bureau after its registration expired on December 31, 2004 and before soliciting charitable contributions in the Commonwealth of Pennsylvania, in violation of 10 P.S. §162.15(a)(1);

b. failing to produce any records or to disclose any information required to be disclosed under this act or the regulations of the department after being requested to do so, in violation of 10 P.S. §162.17(a)(2); and

c. failing to keep true and accurate records in violation of 10 P.S. §162.15(a)(1), by and through §162.12.

PROPOSED ORDER

6. The participants, intending to be legally bound, consent to issuance of the following Order in settlement of this matter:

- a. Respondent violated the Act at 10 P.S. §162.15(a)(1).
- b. Respondent violated the Act at 10 P.S. §162.17(a)(2).
- c. Respondent violated the Act at 10 P.S. §162.15(a)(1), by and through §162.12.

ADMINISTRATIVE FINE

d. An **ADMINISTRATIVE FINE** of three thousand dollars (\$3,000) is levied upon Respondent. Respondent shall tender the full sum of three thousand dollars (\$3,000), with this executed Consent Agreement which shall be paid by **certified check, cashier's check, attorney's check, or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania."**

FILING OF REGISTRATION DOCUMENTS

- e. In the event Respondent wishes to solicit contributions in Pennsylvania, it shall submit to the Bureau all documents required to renew its registration and wait for them to be approved before it solicits contributions. Respondent is prohibited from soliciting contributions in Pennsylvania until such time as the Respondent becomes properly registered with the Bureau.
- f. Respondent shall also submit audited financial statements for fiscal year end December 31, 2007 to the Bureau within 45 days, per Section 162.5(13)(j).

CASE SETTLED AND DISCONTINUED

7. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting this Consent Agreement and the Respondent's successful completion of any ordered discipline.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

8. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Bureau; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

AGREEMENT NOT BINDING ON OTHER PARTIES

9. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other administrative entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State. Except as otherwise noted, this Agreement is to have no legal effect if (a) the Office of General Counsel expresses an objection to the Agreement's form or legality and/or (b) unless and until the Secretary issues the stipulated Order.

EFFECT OF SECRETARY'S REJECTION

10. Should the Secretary not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Secretary shall not prejudice the Secretary from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

ENTIRE AGREEMENT

11. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

12. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent and its officers, directors, agents, employees or independent contractors. Nothing in this Consent Agreement or the Order based upon this Consent Agreement shall preclude representatives of the Bureau from referring any information or data produced as a result of this matter to any federal, state, or local agency or governmental unit having jurisdiction over the activities of Respondent or any officer, director, agent, employee or independent contractor of the Respondent.

VERIFICATION OF FACTS AND STATEMENTS

13. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Supporting Autism and Families Everywhere

Dean F. Picarella

Dean F. Picarella, Esquire
Prosecuting Attorney
Department of State

George R. Shadie, Pres

By: George R. Shadie
Title: *Pres.*
Respondent

DATED: 05/20/2009

DATED:



**IN THE MATTER OF THE
Supporting Autism and Families Everywhere
FILE NO. 08-98-11524**

ORDER

AND NOW, to wit, on this 22 day of May 2009, the terms of paragraph 6 of the foregoing Consent Agreement are hereby adopted and incorporated as the Order of the Secretary of the Commonwealth in resolution of this matter. This Order shall take effect immediately.

BY ORDER

Pedro A. Cortés

Pedro A. Cortés
Secretary of the Commonwealth